

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANDRE B. YOUNG,

Plaintiff,

v.

PAUL SPIZMAN *et al.*,

Defendants.

Case No. C07-5717RBL

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, [Dkt. #11], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is duplicative of a 2005 case where this court dismissed the action for failure to state a claim because the action called into question the plaintiff's current confinement. See, Young v. Spizman, 05-CV-5652RBL.
- (3) This action is dismissed for the same reasons as Young v. Spizman, 05-CV-5652RBL. In addition the action is dismissed as *Res Judicata*.

1 (4) This action is **DISMISSED WITHOUT PREJUDICE**

2 The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to  
3 the Hon. J. Kelley.

4 DATED this 7<sup>th</sup> day of March, 2008.

5   
6 RONALD B. LEIGHTON  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28